

REMARKS/ARGUMENTS

Status of the Claims

- Claims 1-49 are pending in the Application after entry of this amendment.
- Claims 1-49 stand rejected by the Examiner in an Office Action dated 2/26/2004.

Claim Rejections Pursuant to 35 U.S.C. §103 (a)

Claims 1-3, 5-9, 13-23, 25-28, 32-39 and 41-49 stand rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,418,441 to Call in view of U.S. Publication No. 2001/0051905 A1 to Lucas.

The Examiner states on page 3 of the present Office Action that step (c) of Claim 1 may be found in Call at Col. 27, lines 1-13.

Step (c) of Claim 1 recites:

(c) providing an interface for use by product manufacturers for entry of new product specification data into the database and for modifying existing product specification data in the database, the interface requiring each manufacturer to use a same schema when entering or modifying product specification data in a particular product class;

Call at Col. 27 lines 1-13 discloses the expense that website owners must expend to periodically update the product descriptions which customers require in order to make informed purchases. The Examiner is asked to note that this reference does not teach or suggest the step (c) of *providing an interface for use by product manufacturers for entry of product specification data*. Instead, this reference deals with the economic issues of a website owner and customers.

Also concerning step (c) of Claim 1, the Examiner cites Call Col. 12, lines 57-67 through Col. 13, lines 1-3. The Applicant notes that this reference discusses the use of a separate, local database, used by a vendor, not a manufacturer, where the local database is not the manufacturer's product specification database. Call, at the Col 12-13 location cited above, discloses that the local database has only partial information that is derived from a manufacturer's product specification database. Once again, the Examiner is

Partial or full
in use customized

website in
into fact
or vendor
or manufacturer
the vendor
product business

respectfully asked to note that this reference does not teach or suggest the step (c) of *providing an interface for use by product manufactures for entry of product specification data.*

Further concerning step (c) of Claim 1, the Examiner cites Call at Col. 25, lines 1-36. This citation addresses the use of XML, RDF, and universal product codes as used in the disclosure of Call along with digital signatures for dividing product and company information, processing metadata and providing interoperability between computers. Once again, this reference does not teach or suggest the step (c) of *providing an interface for use by product manufactures for entry of product specification data* as does Claim 1.

The Examiner states that step (d) of Claim 1 of the present Application may be addressed by Call in Col. 31 lines 49-60 and Col. 26 lines 36-67.

Step (d) of the present application recites:

(d) in exchange for remuneration from a given manufacturer, providing that manufacturer with access to the interface and to its respective product specification data in the database for use outside of the database.

Call at Col. 31 lines 49-60 discloses the relationship between entities involved in retail sales and the Internet and how consumers and the general public access information and perform transactions via the Internet using browsers. Nothing in Call is disclosed concerning an *exchange of remuneration from a given manufacturer, providing that manufacturer with access to the interface and the its respective product specification data.* Call at Col. 26 lines 36-67 discloses that customers, not manufacturers, make direct purchases via the Internet and that resellers, not manufacturers, can be involved in the Internet market. Neither of these product sales concepts addresses the specifics step (d). Call simply does not teach step (d) of Claim 1.

product
customer
can be other market
can be other market
reseller
can be other market

Applicant respectfully submits that Call does not teach or suggest steps (c) or (d) of Claim 1 of the present Application for the reasons set forth above. Further, Applicant agrees with the Examiner that Call does not teach or suggest step (b) of the present Application.

Step (b) recites:

(b) defining, for each product class, a schema for the entry of specification data of products in the product class;

The Examiner cites paragraphs 0041-0050 of page 3 of Lucas as defining for each product class, a schema for the entry of specification data of products in that product class. Applicant notes that paragraphs 0041-0049 of Lucas disclose some limited information concerning the subject areas of a manual supplier, a non-linked supplier, a product, a customer inventory, system functions including an interactive human interface for tracking inventory, counts, inventory consumption rates, ordering critical products, nightly processes for invoicing and distribution, corporate processes for accounting, client data management, and distribution with linked suppliers using the Lucas inventory control system. Paragraph 0050 of Lucas discloses "Database Design – A database schema which may be utilized in a preferred embodiment of the present invention."

Applicant submits that Lucas discloses an inventory control system and methods (Lucas, Title) described as "A system and method which allows third parties to monitor company inventory via the Internet and World Wide Web and automatically order needed items. The [Lucas] invention also provides a forum through which resellers and customers may directly interact to resell surplus and used equipment. The [Lucas] invention may also allow a third party to act as a broker. Thereby assuring that both the equipment purchased is actually delivered, and the seller is properly compensated." (Lucas, Abstract.) Applicant respectfully submits that Claim 1 does not include a third party, an inventory control system, a customer of products, resellers, a forum, the ordering of needed items or any of the other aspects so prominent and essential in Lucas.

Applicant also respectfully submits that even if Lucas disclosed step (b) of Claim 1, it would not be obvious for one of skill in the art to modify Call which is a method and apparatus for disseminating product information via the Internet using universal product codes, (Call, Title) with the teaching of Lucas which is an inventory control system and method (Lucas, Title) using third parties to monitor inventory and which provides a forum for resellers and customers (Lucas, Abstract) to arrive at Claim 1. This combining and modification is deemed not credible because Claim 1 does not involve any of a universal product code, an inventory control system, a third party, forum creation, resellers, or customers of products as is essential in the teachings of the cited art. In addition, Call does not disclose steps (b), (c) or (d) of Claim 1 herein. Call also features a

universal product code as the prominent aspect of the disclosure (Call, Title). Claim 1 has no such limitation.

Applicant submits that without the universal product code as disclosed in Call, the invention of Call would be inoperative. Claim 1 has not such UPC code. Applicant submits that without a customer or a customer product purchase environment, the invention of Lucas would be inoperative. Claim 1 has no such customer product purchase environment. Applicant submits that the combination of Call and Lucas, (even an inoperative Call and Lucas invention), can not achieve the result of Claim 1 because the elements of at least steps (b), (c), and (d) are missing from the combination. Additionally, the partial use and combination of the cited art would render the cited art useless. Applicant notes there is no suggestion in the references themselves to combine the teachings and Applicant believes that no one of skill in the art would attempt to combine an inoperative Call and an inoperative Lucas to generate only part of the invention recited in Claim 1.

*→ Combination
not Possible
as is for*

Applicant respectfully submits that the Examiner has failed to establish a prima facie case of obviousness per 35 U.S.C §103(a) (See MPEP 706.02(j)). Applicant notes that neither Call, nor Lucas, nor the combination of Call and Lucas teach or suggest the invention recited in Claim 1. Therefore, the combination of Call and Lucas cannot render obvious independent Claim 1. Inasmuch as independent Claims 16 and 32 contain similar elements as that of Claim 1 that are not disclosed by Call or Lucas, Applicant respectfully requests reconsideration of the 35 U.S.C. §103(a) rejection of Claim 1, 16, and 32 as these claims patentably define over the cited art.

Claim Rejections Pursuant to 35 U.S.C. §103 (a)

Claims 4, 10-12, 24, 29-31 and 40 stand rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,418,441 to Call in view of U.S. Publication No. 2001/0051905 A1 to Lucas in further view of U.S. Patent No. 6,405,174 to Walker. Inasmuch as these claims depend, either directly or indirectly from one of the independent claims discussed above, Applicants submit that they too patentably define over the cited art for the same reasons. Reconsideration of the section 35 U.S.C. §103(a) rejection of these claims is therefore respectfully requested.

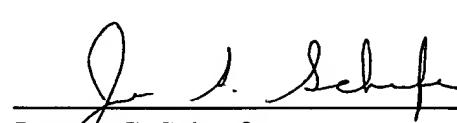
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PATENT

Conclusion

Applicants respectfully request reconsideration of the subject application in light of the reasons set forth hereinabove, and a Notice of Allowance for all pending claims is earnestly solicited.

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